



Paper No. 7

Michael E. Taken  
ANDRUS, SCEALES, STARKE & SAWALL, LLP  
100 East Wisconsin Avenue, Suite 1100  
Milwaukee, WI 53202

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**OFFICE OF PETITIONS**

In re Application of  
Aleksy YEZERETS  
Application No. 10/075,036  
Filed: February 12, 2002  
Attorney Docket No.4695-00010

DECISION  
ON PETITION  
37 CFR 1.137(b)

This is a decision on the petition under 37 CFR 1.137(f) filed August 7, 2003, which is being treated as a petition under 37 CFR 1.137(b) to revive the above-identified application for failure to timely notify the U.S. Patent and Trademark Office (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137 (f).

The petition to revive the above-identified application is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen month publication country. The filing date of the subsequently filed foreign or international application is: January 2, 2003. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen month publication country.

In view of the above, this application became abandoned pursuant to 35 U. S. C. Sect. 122 (b) (2) (B) (iii) and 37 CFR 1.213© for failure to timely notify the Office of the filing of an application in a foreign country or under a multinational agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U. S. C. 122 (b) (2) (B) (iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

- (1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17 (m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137 (b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U. S. C. Sect. 122 (b) (2) (B) (iii) and 37 CFR 1.213 ( c ) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U. S. C. Sect. 122 (b) (2) (B) (I) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date was mailed in a separate correspondence.

This application is being forwarded to Technology Center Art Unit 1764 for examination in due course.

Inquiries regarding this communication may be directed to Samuel A. Acquah at (703) 605-5229 or, in his absence, to the undersigned at (703) 308-3865.

A handwritten signature in black ink, appearing to read 'BethAnne Dayoan', with a stylized flourish at the end.

BethAnne Dayoan  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy